






-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2015-0106
 LOCATION: 1516 Kinney Ave



1" = 138'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

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**CITY OF AUSTIN
Board of Adjustment
Decision Sheet**

DATE: Monday February 8, 2016

CASE NUMBER: C15-2015-0106

____ Brooke Bailey
____ Michael Benaglio
____ William Burkhardt
____ Eric Goff
____ Melissa Hawthorne
____ Don Leighton-Burwell
____ Rahm McDaniel
____ Melissa Neslund
____ James Valadez
____ Michael Von Ohlen
____ Kelly Blume (Alternate)

APPLICANT: Michael Kane

OWNER: Joe Ross

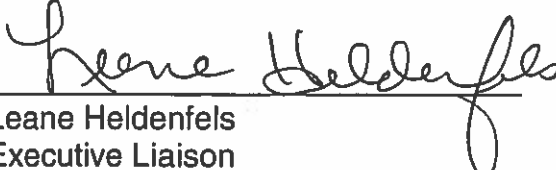
ADDRESS: 1516 KINNEY AVE

VARIANCE REQUESTED: The applicant has requested variance(s) from Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum lot size from 5,750 square feet (required) to 5,548 square feet (requested) in order to construct a single family home in an "SF-3", Family Residence zoning district.

BOARD'S DECISION: POSTPONED TO FEBRUARY 8, 2016 AT THE APPLICANT'S REQUEST; FEB 8, 2016 POSTPONED TO MAY 9, 2016 BY APPLICANT

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:



Leane Heldenfels
Executive Liaison



William Burkhardt
Chairman

C15-2015-0106

Heldenfels, Leane

From: Joe Ross [REDACTED]
Sent: Friday, January 29, 2016 3:52 PM
To: Heldenfels, Leane; Eric Olson; Robert Shelton
Cc: Michael Kane
Subject: Re: Have currently marked 1516 Kinney as postpone request to 3/14 meeting on the 2/8 agenda, but will need email confirming this request

4/3

Leane,

Thanks for staying on us.

I am speaking with the neighbor behind us to try once again to see if he will sell us the needed land to solve the issue. I am hoping he will acquiesce this time.

So, for now, let's go ahead and postpone and hopefully we won't need it.

Thanks and have a good weekend.

Joe

Joe Ross | President and Co-Founder | CSID
O: +1.512.646.2458 | M: +1.512.633.0006
www.csid.com | [Facebook](#) | [Twitter](#) | [LinkedIn](#)

This e-mail, and any attachments thereto, is intended only for use by the addressee (s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you receive this e-mail in error, please immediately notify me and permanently delete the original and any copy of any e-mail and any printout thereof. Thank you

From: "Heldenfels, Leane"
Date: Friday, January 29, 2016 at 11:21 AM
To: Eric Olson, Joe Ross, Bob Shelton
Cc: Michael Kane
Subject: FW: Have currently marked 1516 Kinney as postpone request to 3/14 meeting on the 2/8 agenda, but will need email confirming this request

From: Heldenfels, Leane
Sent: Friday, January 29, 2016 11:18 AM
To: 'Michael Kane'
Subject: Have currently marked 1516 Kinney as postpone request to 3/14 meeting on the 2/8 agenda, but will need email confirming this request

I need an email asking for postponement to 3/14 or request to withdraw case from either yourself as agent or property owner by noon Tues for that to be included in the Board's advance packet.

Note that Zikler NA is still opposed to application and has updated their opposition, see that updated letter online at:
https://www.austintexas.gov/devreview/a_queryfolder_permits.jsp

input address and submit, open the BA case and then scroll down to attachments.

7/7

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet**

DATE: Monday, August 10, 2015

CASE NUMBER: C15-2015-0106

☐ - Angela Atwood (out)
☒ Y Michael Benaglio
☒ Y William Burkhardt
☒ Y Vincent Harding
☒ Y Melissa Hawthorne – Motion to grant Applicant's request
☒ Y Don Leighton-Burwell
☒ Y Melissa Neslund
☒ Y James Valadez
☒ Y Michael Von Ohlen - 2nd the Motion

APPLICANT: Michael Kane

OWNER: Joe Ross

ADDRESS: 1516 KINNEY AVE

VARIANCE REQUESTED: The applicant has requested variance(s) from Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum lot size from 5,750 square feet (required) to 5,548 square feet (requested) in order to construct a single family home in an "SF-3", Family Residence zoning district.

BOARD'S DECISION: POSTPONED TO FEBRUARY 8, 2016 AT THE APPLICANT'S REQUEST

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:


Leane Heldenfels
Executive Liaison


Vincent Harding
Chairman

5/15
Heldenfels, Leane

From: Michael Kane <~~redacted~~>
Sent: Thursday, August 06, 2015 5:48 PM
To: Heldenfels, Leane; Joe Ross; Eric Olson; Bob Shelton
Subject: Re: 1516 Kinney, C15-2015-0106

Leane,

This email is a formal request for postpone to the FEB 2016 agenda

Please let me know if any additional information is needed or required.

Contact me with any Q/A

On Aug 6, 2015, at 10:12 AM, Heldenfels, Leane <Leane.Heldenfels@austintexas.gov> wrote:

See attached. The Board will see it in their late back up packet at the meeting, I'll have a copy of late back up for your cases at the sign in table.

Leane

From: Lorraine Atherton [<mailto:latherton@austin.rr.com>]
Sent: Thursday, August 06, 2015 9:41 AM
To: Heldenfels, Leane
Cc: William Neale
Subject: 1516 Kinney, C15-2015-0106

Hello, Leane,

Attached is the Zilker Neighborhood Association's position on Board of Adjustment case #C15-2015-0106 regarding the variance request for 1516 Kinney. Please include it with the backup materials for Monday's hearing.

Thanks,
L. Atherton
Zoning Committee member, Zilker Neighborhood Association

<1516 Kinney ZNA letter2.docx>

4/26

CASE# C15-2015-0106
ROW# 11385300
TAX# 01005614312

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

TCAD ✓

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 1516 Kinney Ave

LEGAL DESCRIPTION: Subdivision - Barton Heights B

Lot(s) 1 Block A Outlot Division

I/We Michael Kane (agent) on behalf of myself/ourselves as authorized agent for

Joe Ross (owner) affirm that on 5/21, 15,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below and state what portion of the Land Development Code you are seeking a variance from)

X ERECT ATTACH COMPLETE REMODEL MAINTAIN

New Proposed SF dwelling

in a SF-3 district.
(zoning district)

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

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VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:
The lot size created in the early 1960's does not
comply with current requirements

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

Current lot size is 5548 sq ft was created in 1960's

- (b) The hardship is not general to the area in which the property is located because:

not all in the area are slightly smaller than required

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

No changes to adjacent property (ies) will occur, 2250 sq ft
SF Structure to be constructed on the lot, will comply with
current city code.

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

N/A

11/8

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

N/A

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

N/A

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

N/A

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

APPLICANT CERTIFICATE - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed [Signature] Mail Address 5401 Rusick CT

City, State Austin TX 78723

Printed Michael Kane Phone 512-421-4254 Date 5/21/15

OWNERS CERTIFICATE - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed [Signature] Mail Address 3305 Oakmont Blvd

City, State & Zip Austin, TX 78703

Printed Joe C Ross Phone 512-633-0006 Date 5-26-15



City of Austin
Development Review and Inspection Department

LAND STATUS DETERMINATION
1987 RULE PLATTING EXCEPTION

04/29/1999

File Number: C8i-1999-2052

Address: 1516 KINNEY AV

Tax Parcel ID: 100061412

Map Date: 09/21/1998

The Development Review and Inspection Department has determined that this parcel, as described in the attached description and map, **IS EXCEPTED FROM THE REQUIREMENT TO PLAT** in accordance with the Land Development Code, Section 13-2-402.1(C), and is eligible to receive utility service.

The parcel of land consists of five acres or less, and is described as Lot 1, Block 'A' Barton Heights 'B', Plat Book 4, Page 202, Travis County Plat Records, less rear 36 feet. in the current deed, recorded on 04/26/1982, in Volume 7736 Page 627, Travis County Deed Records. This parcel existed in its current configuration on August 31, 1987, as evidenced by a deed recorded on 04/26/1982, in Volume 7736, Page 627, Travis County Deed Records. The parcel was lawfully receiving utility service, as defined in Section 212.012 of the Texas Local Government Code, on August 31, 1987, as evidenced by electric service on 03/09/1983. The parcel meets the requirements of the Land Development Code for roadway frontage and is located on an existing street.

Additional Notes/Conditions:
NONE

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 13-1, Article VIII, Subdivision, and Chapter 13-2, Article IV, Subdivision Regulations. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By: Brian P. Schuller
Brian Schuller
Director (or representative)
Development Review and Inspection Department

C8i-99-2052

THE STATE OF TEXAS
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS:

55

That I, BERTHA HARKEY WALKER, a widow, of Austin, Travis County, Texas, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, and other good and valuable cash consideration to me in hand paid by D. C. CURRY, of Austin, Travis County, Texas, the receipt of which consideration is hereby acknowledged and payment of no part of which is secured by a lien, expressed or implied, upon the hereinafter described premises,

HAVE GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY, unto the said D. C. CURRY, all that certain lot, tract or parcel of land lying and being situated in the City of Austin, Travis County, Texas, together with all improvements and being more particularly described as follows, to-wit:

The rear Thirty-six (36) feet of Lot One (1), Block A, Barton Heights "B", a subdivision out of the Isaac Decker Leagus in the City of Austin, Travis County, Texas, according to the map or plat of said subdivision recorded in Vol. 4, Page 202, of the Travis County Plat Records, to which said map or plat and the record thereof reference is here made for further description.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in any-wise belonging unto the said D. C. CURRY, his heirs and assigns, FOREVER; and I do hereby bind myself, my heirs and assigns, executors and administrators, to WARRANT AND FOREVER DEFEND, all and singular the said premises unto the said D. C. CURRY, his heirs and assigns, against every person whomsoever, lawfully claiming or to claim the same or any part thereof, subject, however, to all valid restrictions and/or easements of record applicable to said property.

WITNESS MY HAND this the 30th day of August, A.D., 1962.

\$ 55 U.S. INT. REV. 10

Bertha Harkey Walker
Bertha Harkey Walker

THE STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Bertha Harkey Walker, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 30th day of August, 1962.

T. E. Rowles
Notary Public, Travis County, Texas.

Filed *Sept 7* 1962 at *1023*
Recorded *Sept 10* 1962 at *933*

03-700857-WM

7

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11

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Warranty Deed with Vendor's Lien

Date: March 1st, 2007



LD 2007042532

Grantor: Barbara Gail Olvera

2 PGS

Grantor's Mailing Address: 211 MARGINAL WAY #315
PORTLAND MAINE 04101

Grantee: Joe Ross

Grantee's Mailing Address: 2004 S. 5th ST.
ARROW, TX 78704

Consideration: A Promissory Note in the original principal sum of Forty One Thousand Seventy Five and No/100 Dollars (\$41,075.00) payable to the order of Bank of America, N.A., which Promissory Note is secured by a Deed of Trust of even date to PRLAP, Inc., Trustee.

The debt evidenced by this Note is in part payment of the purchase price of the Property. The debt is secured by deed of trust and by a vendor's lien on the Property, which is expressly retained. The lien created by the deed of trust and the vendor's lien is transferred to Lender by the deed. The deed does not waive the vendor's lien, and the two liens and the rights created by this deed of trust are cumulative. Lender may elect to foreclose under either of the liens without waiving the other or may foreclose under both.

Property (including any improvements):

The west 36 feet of Lot 1, Block A, Barton Heights B, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 4, Page 202 of the Plat Records of Travis County Texas.

Reservations from Conveyance: None

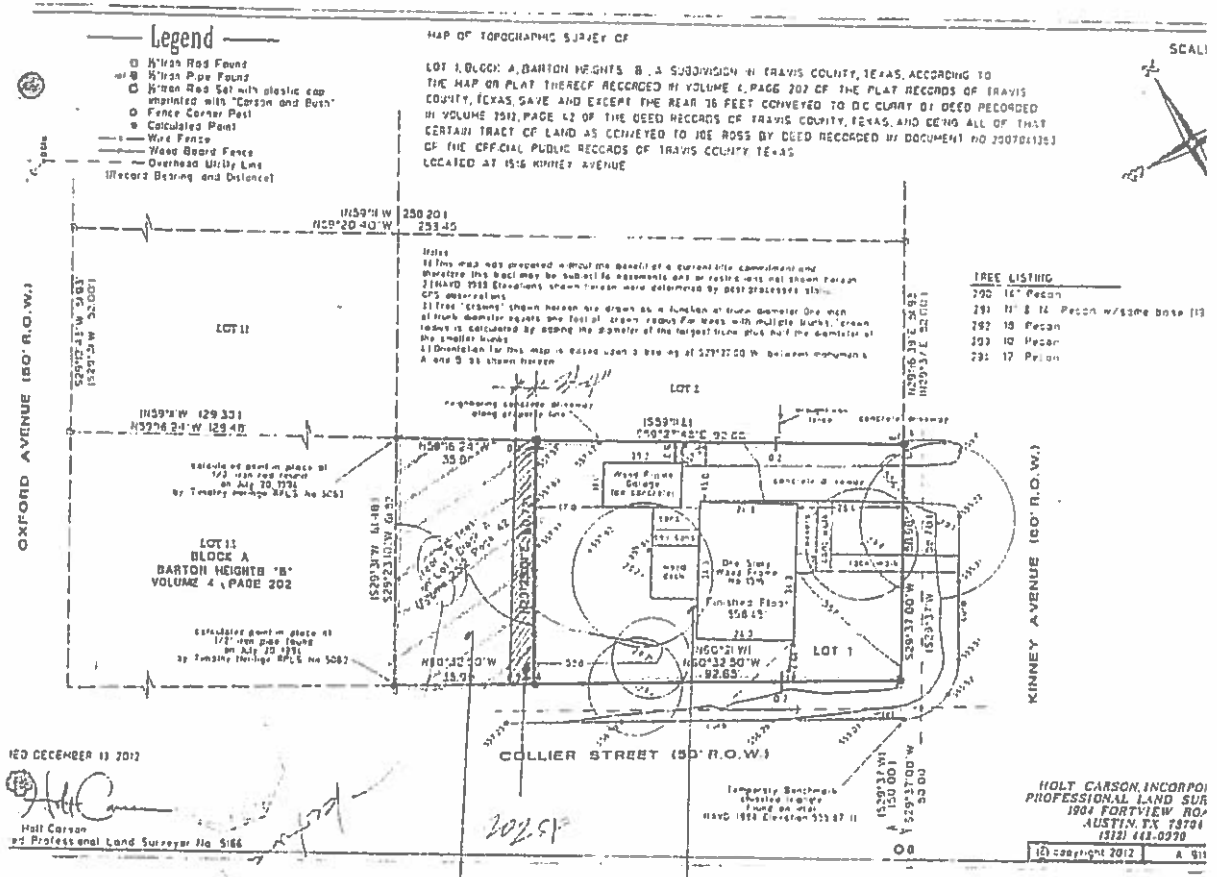
Exceptions to Conveyance and Warranty:

Liens, if any, described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and taxes for the current year, which Grantee assumes and agrees to pay.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property,

1/2/2

- ① Joint development Agreement
- ② Easement access
- ③ partial purchase
- ④ reduction of 4 x 202 SF? = 81 sq
- ⑤ BOA variance the line
- ⑥ small lot status?
- ⑦ Co-Applicant for Bldg Permit?



M. Waller Cash/lls

at:0

Technical Building Code Review - Susan Barr - 512-974-2923

1. Scale to be provided on all structural sheets as a bar scale is not a COA accepted scale format.
2. Structural plan of cellar to be submitted
3. Structural drawings for exterior stair to be provided
4. Framing of outdoor shower to be provided
5. Sheet 54.0 – lower level bracing plan hatch pattern to be revised to legible pattern when printed.

Residential Zoning Review - Susan Barr - 512-974-2923

1. Lot size does not meet the minimum required size of 5,750 SF and does not meet the Substandard Lot requirements of LDC section 25-2-493 (B)(1) for the following reason:
 - original building permit for the house with attached carport in 1961 has a legal lot description of Lot 1, Block A. This lot designation is the same as the one on the subdivision plat that was recorded with Travis County on January 3rd, 1945.
 - a. The Land Status Determination that was obtained in 1999 only exempted the property from being required to replat and does not imply approval of any other portion of the City code.
 - b. A BOA variance will need to be sought. Please see Leane Heldenfels in the Development Assistance Center during her walk-in hours M-F, 9 am – noon. She can also be reached at 512-974-2202 or lane.heldenfels@austintexas.gov.
2. The following items will need to be addressed if and when a BOA variance is granted.
3. Per TBAE, an architect's signature is not to obstruct his name or number. Discrepancy to be resolved.
4. Page 1 of the application – concrete (right-of-way) box to be selected.
5. Page 2 of the application
 - a. Architect to confirm that all area calculations have been taken to the outside face of the exterior material(s). SF numbers to be revised as needed.
 - b. 1st floor SF to match page 3 of the application
 - c. SF of covered porches to be provided on correct line in the Building and Site Area table.
 - d. Total Gross Building Area to be calculated as instructed.
 - e. 1.5' of additional roof overhang from the 2nd floor roof deck is to be included in the 45% impervious cover calculation. Discrepancy to be resolved.
 - f. As indicated, a sidewalk is required to be installed. Please contact Amber Mitchell in the Development Assistance Center to see if the property qualifies for paying a fee in lieu of the sidewalk installation or if the requirement can be waived. Her walk-in hours are M-F; 9 am – noon. If a fee can be paid in lieu of the sidewalk installation, the sidewalk memo from Amber will need to be taken to Candy Guerra on the 10th Floor of One Texas Center (please note that only checks are accepted). A copy of the receipt will need to be dropped off in the Development Assistance Center with the receptionist. Documentation of the fee being paid or the requirement being waived is to be submitted with the update.
 - g. Site plan indicates that a new curb cut is being installed. Answer to driveway question to be revised. Width of new approach to be provided.
 - h. Only (1) curb cut is allowed per property. Existing curb cut being abandoned will need to be closed. Width of this curb cut is to be provided.
 - i. Answer to storm sewer question to be revised based on actual site conditions.
6. Page 3 of the application – Architect to confirm that all area calculations have been taken to the outside face of the exterior material(s). SF numbers to be revised as needed.
7. Page 4 of the application – email address of applicant to be provided.

1247-1246 H2
PART 2. 14970

WATER SERVICE PERMIT

Austin, Texas

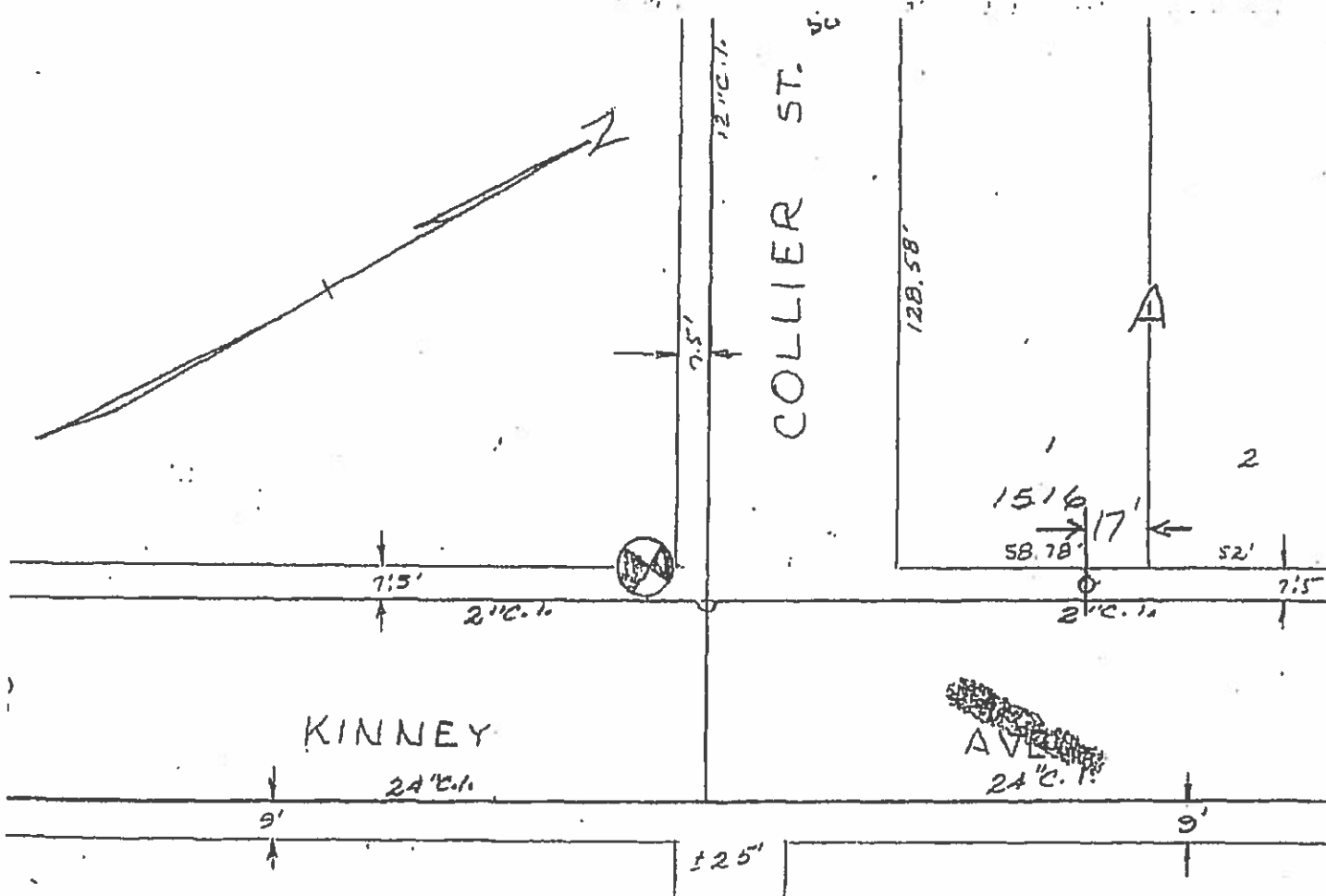
E ^{11M} No 29357 107

11/15

Received of ROBERT H. WALKER Date 10-11-61
Address 1516 FIFTH AVE
Amount FIFTY ONE 100 \$ 50.00
Plumber H. THOMPSON Size of Tap 1/2"

Date of Connection 10-25-61
Size of Tap Made 3/4"
Size Service Made 3/4"
Size Main Tapped 2" C.I.
From Front Prop. Line to Curb Cock 7'
From North Prop. Line to Curb Cock 17'
Location of Meter curb
Type of Box Round
Depth of Main in SE 4'
Depth of Service Line 9'
From Curb Cock to Tap on Main 6'
Checked by Engr. Dept. L.M.P. 11-6-61

No. Fittings	Size
8' Pipe	3/4" copper
1 Corp. Cock	3/4"
1 Cop. to Iron ell	
1 Cop. to Cop. ell	
1 Cop. to Iron Coupling	
1 Cop. to Cop. Coupling	3/4"
1 Angle Stop	
1 Stop	
1 Bushing	9" X 3/4" Brass
1 Nipples	2" X 3/4"
1 Service Clamp	2" X 3/4"
1 Valve	
1 Meter Box	Round
1 Lock Lid	
1 Drain Tile	
1 Drain Tile Lid	
1 Stop & Drain	
Job No.	W-223-502
Foreman	A. Schlab



03-700857-WM

2

11/16

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Warranty Deed with Vendor's Lien

Date: March 11, 2007



LD 2007042532

2 PGS

Grantor: Barbara Gail Olvera

Grantor's Mailing Address: 211 MARGINAL WAY #315
PORTLAND MAINE 04101

Grantee: Joe Ross

Grantee's Mailing Address: 2004 S. 5th St.
Aurora, IL 60104

Consideration: A Promissory Note in the original principal sum of Forty One Thousand Seventy Five and No/100 Dollars (\$41,075.00) payable to the order of Bank of America, N.A., which Promissory Note is secured by a Deed of Trust of even date to PRLAP, Inc., Trustee.

The debt evidenced by this Note is in part payment of the purchase price of the Property. The debt is secured by deed of trust and by a vendor's lien on the Property, which is expressly retained. The lien created by the deed of trust and the vendor's lien is transferred to Lender by the deed. The deed does not waive the vendor's lien, and the two liens and the rights created by this deed of trust are cumulative. Lender may elect to foreclose under either of the liens without waiving the other or may foreclose under both.

Property (including any improvements):

The west 36 feet of Lot 1, Block A, Barton Heights B, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 4, Page 202 of the Plat Records of Travis County Texas.

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty:

Liens, if any, described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and taxes for the current year, which Grantee assumes and agrees to pay.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property,

- $\frac{4}{15}$



Existing

33/1450 2/20:11

01010-2015-0104



New Residence at 1516 Kinney - PERMIT SET
Austin, Texas



Site Plan

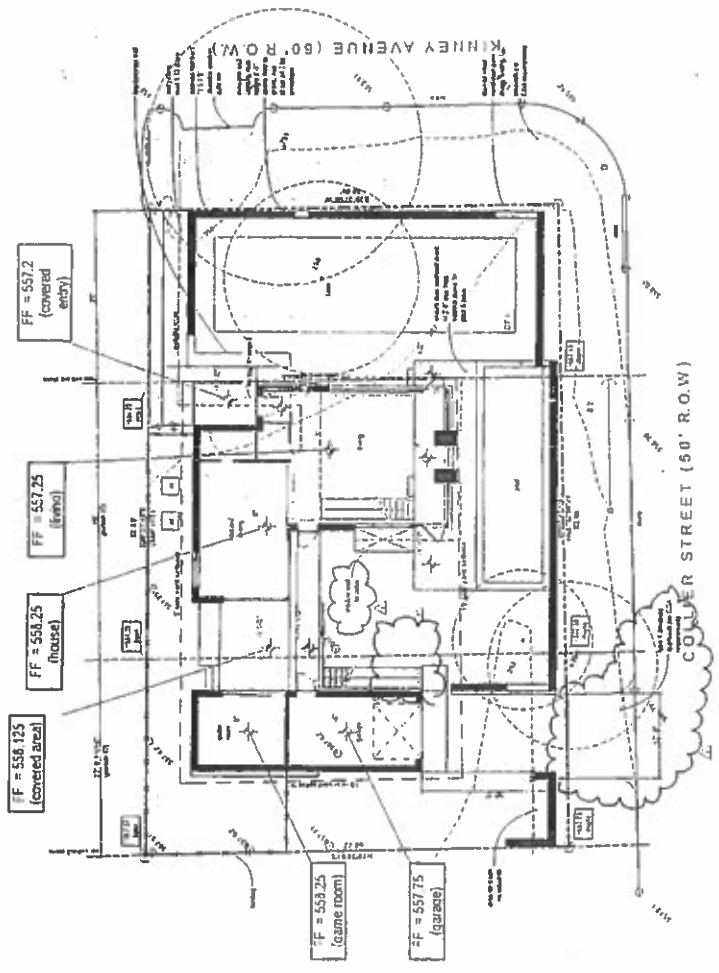
Site Plan Legend

- Unimproved Area
- As-Is Existing Foundation
- Proposed New Foundation
- Proposed New
- Proposed Existing
- Proposed
- Proposed New

TREE SCHEDULE

20' or More
10' or More
5' or More
2' or More
1' or More
Less Than 1'

ALL TREES TO BE REMOVED OR PRUNED TO CLEAR THE PROPOSED LOT AND TO BE REPLANTED OR REPLACED WITH A TREE OF EQUAL OR GREATER SIZE AND SPECIES.



Site Plan
1
at.0
Scale: 1/8" = 1'-0"
Date: 01/10/15

Proposed

12/15



Demolition Application

Page 2 of PA- _____

Submittal Requirements

- ✓ 1. Owner authorization/signature, **NOTARIZED** at the bottom of this page
OR a **NOTARIZED** letter of authorization from the owner giving the applicant permission to apply.
- ✓ 2. Dimensioned Site Plan or Survey that shows all existing structures and what is being demolished
- 3. Certified tax certificate(s) from the Travis County Tax Assessor's Office (5501 Airport Boulevard, 854-9473).
- 4. Photos of each side of structure; the front photo needs to show the entire front of the structure that is visible from the street.
- 5. Review Fee (see fee schedule for applicable fees)

Additional requirements for Commercial Demolitions:

- 6. Approved/Red-stamped site plan OR an approved Site Development Exemption Form
- 7. Completed Texas Department of Health Asbestos Notification Form; must be filled out by a licensed inspector or contractor

Consent, Authorizations and Signatures

I understand and will adhere to the following rules or regulations:

1. No work may begin prior to issuance of this permit
2. It is important to verify with the Development Assistance Center (DAC) that new construction will be permitted on the property at this location PRIOR to filing this application.
3. If the structure to be demolished is currently tied into water and/or sewer services provided by the City of Austin, you must contact Austin Water Utility at 512-494-9400 to obtain specific water and sewer service information.
4. If the proposed work will require the removal of any tree protected by ordinance or impact the critical root zone as defined within the Environmental Criteria Manual (3.5.2.A), a Tree Ordinance Review Application is required prior to any such activity. Note: root zone protection measures (e.g. fencing, boards attached to the trunk, mulch) are required prior to work commencing. Information can be found at <http://www.austintexas.gov/department/city-arborist>. Contact the City Arborist Program at 512-974-1876 or charborist@austintexas.gov.
5. If the proposed work will require use of City right-of-way, a Right of Way Application must be approved prior to any such activity. Applications may be obtained in the Watershed Protection and Development Review located on the 8th floor at One Texas Center. For additional information, call 974-7180 or go to <http://www.austintexas.gov/department/right-way-management>
6. The Historic Preservation Office will review this application to determine if the structure that is subject of this application is potentially historic as defined by §25-11-214 of the City of Austin Land Development Code. Additional review by the Historic Landmark Commission may be required and additional fees may be assessed.
7. Once this review is complete and approved, the permit may be obtained from the Permit Center and additional fees will be assessed at that time.

I, the undersigned, hereby swear or affirm that the information provided in this application is true and correct to the best of my knowledge and is an accurate reflection of my intentions for the above structure and/or property. I understand that any omission or incorrect information herein will render this application and any permit obtained invalid.

✓ As owner(s) of the property described in this application, I/we hereby authorize the Applicant listed on this application to act on my/our behalf during the processing and presentation of this request. They shall be the principal contact with the City in processing this application.

Signature of Applicant:

(if different from owner)

William Kane

Date: 10-31-14

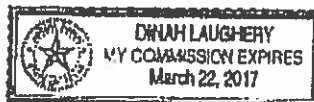
Signature of Owner:

Date: 10-17-14

Sworn and subscribed before me this 17th day of Oct, 2014

Signature of Public Notary

Dinah Laughery



Zilker Neighborhood Association

www.zilkerneighborhood.org ♦ [REDACTED]
2009 Arpdale ♦ Austin, TX 78704 ♦ 512-447-7681

21
20

January 20, 2016

To: Board of Adjustment, City of Austin

Re: 1516 Kinney, C15-2015-0106

As noted in our first letter on this case, dated August 4, 2015, the zoning committee of the Zilker Neighborhood Association (ZNA) would have been eager to work with the owner at 1516 Kinney to permit the renovation and reuse of the original house, if it had not been demolished. Following up on that sentiment, our committee met with the owner and asked him if he would consider replacing the house he demolished with a new house and garage of the same size, with no increase in impervious cover. This would allow him the reasonable use of his property that he would have had if he had not demolished the house prematurely. It could be argued that any variance allowing all-new construction in these circumstances would violate the Board's prohibition against granting "special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located." Our committee is not familiar enough with other demolition cases to form an opinion, and since the owner was not willing to consider that option, we have not attempted to research the question. We wanted you to know, however, that we gave it our best shot.

The owner still has not demonstrated any hardship that meets the Board of Adjustment criteria. His decision to sell 2,167 square feet of his property, instead of 1,965 square feet, was entirely his own. It was not forced upon him by any City ordinance or requirement. Likewise, the decision to demolish the house before his new site plan was approved was entirely his own. As described in our letter of August 4, 2015, the City's demolition forms warn applicants to verify that their new construction will be permitted before they apply for a demolition permit.

The owner tells us that his attempts to buy 202 square feet back from his neighbors have been unsuccessful. He has not, however, given us any new information that would suggest any qualifying hardship. The problems here are entirely his own creation and responsibility. Therefore, our findings regarding reasonable use, hardship, and area character have not changed from our letter of August 4. The ZNA Executive Committee must continue to oppose the requested reduction in minimum lot size and ask that the Board deny the variance.

Sincerely yours,
Lorraine Atherton
on behalf of the Executive Committee
of the Zilker Neighborhood Association

Zilker Neighborhood Association

www.zilkerneighborhood.org • zilkerna@austin.rr.com

2009 Arpdale • Austin, TX 78704 • 512-447-7681

11/17

August 4, 2015

Re: 1516 Kinney, C15-2015-0106

Dear Ms. Heldenfels.

The zoning committee of the Zilker Neighborhood Association (ZNA) has reviewed the variance request for 1516 Kinney to decrease the minimum lot size from 5750 to 5548 square feet. The applicant has not demonstrated a hardship that meets the Board of Adjustment criteria. The application is also inappropriate for a court of last resort, such as the Board of Adjustment, in that there are other remedies besides this variance that would restore the lot to a buildable size. We have concluded that the variance would grant special privileges that are not available to other properties in the area. The ZNA Executive Committee therefore requests that the Board of Adjustment deny the variance. Our findings are listed below.

Reasonable use: The zoning regulations allowed reasonable use before the rear portion of the property was sold in 2010 (see attached). Although a previous owner did sell off the rear 36 feet of the lot in 1962, it was never officially replatted, and the lot was subsequently reassembled into the original 7715-square-foot parcel, large enough to build a duplex under current code. The current owner attempted to profit from the sale of a portion of the property, but he neglected to inform himself of the city's minimum requirements before selling the entire 36 feet and before demolishing the existing house. Note the warning #2 on the second page (attached) of the demolition application, under "Consent, Authorizations, and Signatures": "2. It is important to verify with the Development Assistance Center (DAC) that new construction will be permitted on the property at this location PRIOR to filing this application." The owner signed it. It is his failure to exercise due diligence, not the zoning regulations, that caused the undersized condition of the property. The owner can remedy his mistake by purchasing 202 square feet from one of his neighbors.

Hardship: The existence of lots that do not meet the minimum lot size under current code is not unique to this property. A few substandard lots with fifties-era houses near 1516 Kinney are: 1602 Garner (5640sf), 1706 Collier (5616sf), and 1704 Collier (5546sf). In addition, a section of the Barton Heights subdivision to the north consists mostly of lots that are about 25 feet wide and do not meet the minimum lot size. These lots were designed to be sold in pairs to create a buildable lot. Much of the northern portion of the neighborhood was developed in this manner, with homeowners buying two or three or more modular lots to create home sites.

PUBLIC HEARING INFORMATION

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A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/devservices

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Case Number: C15-2015-0106, 1516 Kinney Ave.

Contact: Leane Heldenfels, 512-974-2202, leana.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, August 10th, 2015

NOVEMBER 5TH 2015

Your Name (please print)

1405 KINNEY AVE.

<input type="checkbox"/> I am in favor <input checked="" type="checkbox"/> I object
--

Your address(es) affected by this application

8-3-15.

Signature

Date

Daytime Telephone: *512-*

Comments: *PLEASE IF POSSIBLE*

DON'T INTERFERE WITH VISIBILITY

AS THIS CONRAD KNOWS THE

POLE DEPARTMENT

THE HOUSE ON THIS SITE PREVIOUSLY

WAS SET BACK IN THE YARD AND

THE CONRAD VIEW WAS NOT OBSERVED

THANKS.

If you use this form to comment, it may be returned by noon the day of the hearing (comments received after noon may not be seen by the Board at this hearing) to:

City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Fax: (512) 974-6305

Scan & Email to: leana.heldenfels@austintexas.gov

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Heldenfels, Leane

From: Bruce Wiland
Sent: Monday, August 03, 2015 5:29 PM
To: Heldenfels, Leane
Subject: comment form related to BoA request C15-2015-0106 (1516 Kinney Ave)
Attachments: C15-2015-0106 (1516 Kinney Ave) protest.pdf

Ms. Heldenfels,

Please find attached my comment form and protest regarding the BoA variance request at 1516 Kinney Ave. I want to expand a little on my comment in the form.

Prior to 1962, the lot at 1516 Kinney Ave (Lot 1 Block A of Barton Heights B Subdivision) was approximately 7,715 sf in size. In Aug 1962, the back 36 feet of the lot at 1516 Kinney Ave (approximately 2,160 sf) was sold and subsequently addressed as 1604 Collier St. However, this lot was never subdivided or replatted. In Mar 2007, Joe Ross purchased the front portion of this lot from Brent & Shannon Fannin. In Mar 2007, Joe Ross also purchased the back portion of this lot from Barbara Gail Olvera. So, as of Mar 2007, both portions of this lot were once again owned by the same owner, and a new house could legally be built upon the lot (approximately 7,715 sf) under today's zoning ordinances. In Nov 2010, Joe Ross sold the back portion of the lot to Joel McNinch, but the front part of the lot was still owned by Joe Ross, and there was a house on it. In Dec 2014, a demolition permit for this property was issued, and the house was subsequently torn down. This now made the property a non-conforming property on which nothing could be built.

Mr. Ross had several opportunities to avoid the situation he now faces. He could have 1) decided not to sell the back portion of the lot or 2) kept the existing house and simply remodeled it. Instead, he chose to create a non-conforming property. His problem is one of his own making, not one related to a hardship created by unfair zoning ordinances. The hardship requirement in the criteria for which the BoA is required to follow does not exist, and the request should be denied. Failure to deny the request would set a bad precedent and potentially result in others selling portions of lots and then seeking variances to build on smaller lots.

Bruce Wiland
1510 Oxford Ave (within 500 feet of subject property)

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Case Number: C15-2015-0106, 1516 Kinney Ave.

Contact: Leane Heldenfels, 512-974-2202, leaneheldenfels@austintexas.gov

Public Hearing: Board of Adjustment, August 10th, 2015

Bruce L. Wiland

Your Name (please print)

1510 Oxford Ave

Your address(es) affected by this application

Bruce L. Wiland 8/3/2015

Signature

Date

Daytime Telephone: _____

Comments: This request does not meet the Boff criteria for a hardship. The applicant sold part of the property a few years ago for what was probably a good deal of money. Then he tore down a house that would have been grandfathered with respect to lot size. It was the owner's own decisions that created the small lot. There was no hardship due to zoning, only the owner's own actions. The request should be denied. We don't need big McMansions on small lots that change the character of the neighborhood. If you use this form to comment, it may be returned by noon the day of the hearing (comments received after noon may not be seen by the Board at this hearing) to:

City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Fax: (512) 974-6305

Scan & Email to: leaneheldenfels@austintexas.gov

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Contact: Leane Heldenfels, 512-974-2202, leana.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, August 10th, 2015

Lisa Deland

Your Name (please print)

1507 Kinney Ave #124, Austin, TX 78704

Your address(es) affected by this application

8/2/15

Date

Daytime Telephone: 512/680-4212

Comments:

If you use this form to comment, it may be returned by noon the day of the hearing (comments received after noon may not be seen by the Board at this hearing) to:

City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Fax: (512) 974-6305

Scan & Email to: leana.heldenfels@austintexas.gov

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